

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

IN RE:

TOMMY D. DOBSON,

ANN C. DOBSON,

Debtors.

Chapter 11 Subchapter V
Case No. 23-60148

IN RE:

WILLIAM E. CALLAHAN, JR.,

SUBCHAPTER V TRUSTEE,

Objecting Party,

v.

THOMAS DALY, SALLY DALY,

Claimants.

CLAIMANTS' RESPONSE TO TRUSTEE'S OBJECTION TO CLAIM 28-1

Thomas and Sally Daly ("Claimants"), by counsel, respond to the Subchapter V Trustee's objection to their claim as follows:

1. The Dalys acknowledge that their claim arises from a \$240,000.00 payment that they made to the Dobsons closely held company, Dobson Homes, LLC.
2. Dobson Homes LLC is currently a Debtor in its own bankruptcy case.
3. Based on their dealings with the Dobsons, the Dalys assert that their claim should be allowed against the individual Dobsons pursuant to Virginia law. Specifically, the claimants assert a lack of separateness between Dobson Homes LLC and the Dobsons, improper use of the corporate entity by the Dobsons for their own benefit, and an

undercapitalization of the corporate entity. Accordingly, the claim should be allowed against the Dobsons under a pierce the corporate veil result.

4. The Claimants' allegations, and burden of proof under Virginia law, are fact specific and require additional information that the Dalys would like the opportunity to develop.

WHEREFORE, Thomas and Sally Daly move this Court to deny the Subchapter V Trustee's objection to their claim pending an opportunity to pursue and develop facts to support a pierce the corporate veil theory in support of their claim.

Date: January 11, 2024

Respectfully submitted,

THOMAS DALY
SALLY DALLY

By: /s/ Andrew S. Goldstein
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CERTIFICATE OF SERVICE

I certify that on this 11th day of January, 2024 the foregoing Claimants' Response to Trustee's Objection to Claim 28-1 was electronically filed with the United States Bankruptcy Court for the Western District of Virginia which caused electronic notice upon the H. David Cox, Esq., Attorney for Debtor and William E. Callahan, Jr., Subchapter V Trustee and all users of CM/ECF that have appeared in this case.

By: /s/ Andrew S. Goldstein